

Interview Summary	Application No.	Applicant(s)	
	10/089,404	RUOFF ET AL.	
	Examiner	Art Unit	
	John Rivell	3753	

All participants (applicant, applicant's representative, PTO personnel):

- (1) John Rivell. (3) _____
 (2) Walter Ottesen. (4) _____

Date of Interview: 17 November 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
 If Yes, brief description: _____

Claim(s) discussed: 25-36.

Identification of prior art discussed: None.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant supplied proposed DRAFT copy of amendment for review. Examiner indicated that amendment appears proper for entry and allowance. Will await response.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

*Interview record
OK JR 1/13/06*

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

John Rivell
 Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

WALTER OTTESEN
PATENT ATTORNEY
P.O. BOX 4026
GAITHERSBURG, MARYLAND 20885-4026
TELEPHONE: (301) 869-8950
TELECOPIER: (301) 869-8929

For Interview
of 17 November 2005
Rivell 11/17/05

TELECOPIER TRANSMISSION COVER SHEET

<u>11-17-2005</u>	<u>S. N. 10/089,404</u>	<u>1-571-273-4918</u>
Date	File	Telecopier Number

To: Examiner John A. Rivell

United States Patent and Trademark Office

Group Art Unit 3753

From: Walter Ottesen

Number of Sheets (including cover sheet) Seven (7)

Message: Pursuant to our telephone conference of this morning,
the applicants herewith submit a draft amendment in response
to the action mailed on August 22, 2005.

Respectfully submitted,



Walter Ottesen
Reg. No. 25,544

Certificate of Transmission

I hereby certify that this correspondence is being facsimile
transmitted to the Patent and Trademark Office (Fax No. 571-273-4918)
on November 17, 2005.


Walter Ottesen

In the United States Patent and Trademark Office

Applicants: M. Ruoff et al

Group Art Unit: 3753

Patent Application

Serial No: 10/089,404

Examiner: John A. Rivell

Filed: June 21, 2002

Attorney Docket: R 37014

For: Arrangement for Supplying
Liquid Media to Consumers
of a Fuel Cell System

**DRAFT
AMENDMENT**

Amendment

Commissioner for Patents and Trademarks
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the action mailed on August 22, 2005, please
amend the above-identified application as set forth herein.

Amendments to the Claims are reflected in the listing of claims
which begins on page 2 of this paper.

Remarks begin on page 5 of this paper.

Amendments to the Claims:

Claims 13 to 24 are cancelled and claim 25 is amended as set forth hereinafter.

Listing of Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application.

Claims 1 to 24 (Cancelled).

25. (Currently Amended) A fuel cell system comprising:

consumers comprising at least one fuel cell;

~~consumers,~~

an arrangement for supplying fluid medium to said consumers;

5 and,

the arrangement including: a feed pump unit; a controllable metering valve interposed between said feed pump and said consumers; and, said feed pump unit including a high-pressure feed pump and a low-pressure feed pump for feeding said
10 high-pressure feed pump thereby ensuring that said media is free of possible air pockets.

26. (Previously Presented) The fuel system of claim 25, wherein a portion of said consumers consume the same medium; and, wherein said arrangement further comprises a plurality of said controllable metering valves connected downstream of said feed

5 pump and operatively connected to respective ones of the consumers of said portion of said consumers.

27. (Previously Presented) The fuel system of claim 25, wherein said controllable metering valve is a clocked control valve.

28. (Previously Presented) The fuel system of claim 25, wherein at least one of the switch-on duration and the clock frequency of said controllable metering valve is controllable.

29. (Previously Presented) The fuel system of claim 28, wherein the clock frequency is greater than 10 Hz.

30. (Previously Presented) The fuel system of claim 25, wherein the control of said controllable metering valve is provided by a stored characteristic field.

31. (Previously Presented) The fuel system of claim 25, further comprising means for controlling the volume flow of said media.

32. (Previously Presented) The fuel system of claim 25, further comprising at least one of a measurement value sensor for detecting the volume flow and a measurement value sensor for measuring pressure mounted in flow direction behind said
5 controllable metering valve.

33. (Previously Presented) The fuel system of claim 25, further comprising:

means for measuring the pressure in flow direction
downstream of said controllable metering valve; and,

5 a characteristic field assignment of said pressure to the
volume flow present at said pressure.

34. (Previously Presented) The fuel system of claim 25, wherein
said feed pump unit is controllable with respect to its rpm.

35. (Previously Presented) The fuel system of claim 25, further
comprising:

a supply tank holding at least one of said media;

a bypass line connected between said supply tank and said

5 feed pump unit; and,

a pressure controller connected in said bypass line.

36. (Previously Presented) The fuel system of claim 35, wherein
said pressure controller is controllable.

Remarks

Claims 13 to 24 are cancelled and claim 25 is amended. Claims 25 to 36 are pending in this application of which only claim 25 is in independent form.

On pages 2 and 3, the Office rejected claims 25 to 36 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

In particular, the Office noted that claim 25 as amended encompasses two separate entities, namely the "at least one fuel cell" and a separate "consumers" entity. The Office expressed the view that the "consumers" as recited in claims 25 to 36 are in fact the fluid circuits of the fuel cell. The Office referred to page 8, lines 16 to 19, and the remainder of the specification discussing FIGS. 2 and 3.

The Office expressed the belief that the "consumers" are in fact a portion of, if not all of, the "fuel cell."

Finally, the Office encouraged applicants to amend the claims to incorporate the consumers and the fuel cell.

Applicants have reviewed the specification and respectfully submit that the "consumers" are characterized in the specification as part of a "fuel cell system." However, applicants have amended claim 25 to state that the consumers comprise "at least one fuel cell" in accordance with, e.g., original claim 1. Without admitting that the written description rejection was proper, applicants believe that claim 25, as now amended, is in better alignment with the disclosure as filed.

In the action, claims 25 to 36 were deemed to contain allowable subject matter if rewritten or amended to overcome the rejection under 35 USC 112. The amendment of claim 25 should now satisfy the requirements of 35 USC 112 and be allowable. Claims 26 to 36 are all dependent from claim 25 so that these claims too should now be allowable.

The application should now be in condition for allowance.

Respectfully submitted,

Walter Ottesen
Reg. No. 25,544

Walter Ottesen
Patent Attorney
P.O. Box 4026
Gaithersburg, Maryland 20885-4026

Phone: (301) 869-8950

Date: November 17, 2005